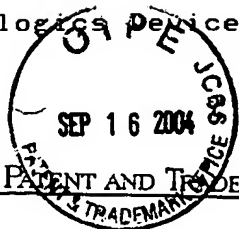




UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/724,453	11/28/2003	James Clayton III	MDC-P-007A

James C. Peacock III  
3317 Melendy Drive  
San Carlos, CA 94070

CONFIRMATION NO. 9909

## FORMALITIES LETTER

\*OC000000012093319\*

Date Mailed: 03/12/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/17/2004 MMEKONEN 00000099 10724453

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	385.00 OP
02 FC:2051	65.00 OP
03 FC:2201	43.00 OP
04 FC:2202	234.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 2.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$277 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$727 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$277
  - \$43 for 1 independent claims over 3.
  - \$234 for 26 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

UE

---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

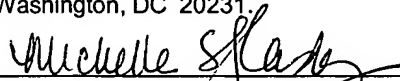
PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

CERTIFICATE OF MAILING

I hereby certify that on 9/13/04, this paper (along with any paper referred to as being attached or enclosed) is being deposited as first class mail with the United States Postal Service with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Washington, DC 20231.

  
Michelle S. Glasky

Applicant: James C. Peacock III  
Serial No.: 10/724,453  
Filed: 11/28/2003  
Title: MEDICAL DEVICE WITH POROUS  
SURFACE CONTAINING BIOERODABLE  
BIOACTIVE COMPOSITES AND  
RELATED METHODS  
Group Art Unit: 3731  
Examiner: Unassigned  
Docket No.: 51298-00007 (formerly MDC-P-007A)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**SUBMISSION OF MISSING PARTS OF NONPROVISIONAL APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed March 12, 2004 (copy enclosed), applicant submits the following documents:

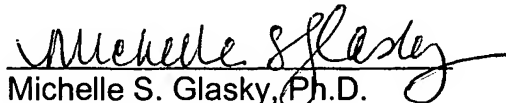
1. Fee Transmittal and check in the amount of \$1,467.00;
2. Corrected Drawings;
3. Change of Correspondence Address
3. Power of Attorney; and
4. Application Data Sheet

Applicant requests correction to the Filing Receipt to reflect the correct name of the First Named Applicant, James Clayton Peacock III. The Application Data Sheet contains the correct name. A corrected filing receipt is hereby requested.

Applicant encloses a check in the amount of \$1,467.00, which includes the fee required for a four month extension of time under 37 C.F.R. 1.17(a) (\$740.00), the statutory basic filing fee for a small entity (\$385.00), claim fees of \$277.00 and the late filing fee surcharge of \$65.00. The Commissioner is authorized to charge payment of any additional filing fees or credit any overpayment to Deposit Account No. 50-3207. A duplicate copy of this sheet is attached.

Respectfully submitted,

9/13/04

  
Michelle S. Glasky, Ph.D.  
Registration No. 54,124

PRESTON GATES & ELLIS, LLP  
1900 Main Street, Suite 600  
Irvine, California 92614  
Telephone: 949-253-0900  
Facsimile: 949-253-0902